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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 22 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith*, "Comments of the Government of the Federal Republic of Yugoslavia on the draft resolution of the fifty-second session of the Commission on Human Rights 'Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia'" (E/CN.4/1996/L.75) and to request you kindly to circulate it as an official document of the fifty-second session of the Commission, under item 10.

(Signed): Miroslav MILOŠEVIĆ
Counsellor
Chargé d'affaires, a.i.

* The annex is circulated as received, in the language of submission only.

Annex

COMMENTS OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE DRAFT RESOLUTION OF THE FIFTY-SECOND SESSION OF THE COMMISSION ON THE "SITUATION OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, THE REPUBLIC OF CROATIA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA" (E/CN.4/1996/L.75)

The Government of the Federal Republic of Yugoslavia is addressing the fifty-second session of the Commission on Human Rights, desirous to emphasize its sustained efforts to honour the Commission as the most prestigious United Nations body directly involved in the promotion and protection of human rights.

The Federal Republic of Yugoslavia has manifested its readiness to proceed with a most active and open cooperation with all those sincerely wishing to promote and ensure respect for human rights, as pointed out in the Report of Ms. Elisabeth Rehn. However, we must again reiterate our stand concerning the inappropriate and biased draft resolution, primarily in view of the spirit prevailing in it, discerned in the positions it reflects.

The Government of the Federal Republic of Yugoslavia is profoundly concerned with the letter and spirit of the proposed draft resolution on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, which is far from reflecting and/or even taking into account the actual human rights situation in these territories.

There is no mention of the positive developments and concrete results accomplished in implementing the Peace Agreement. Instead of being future-oriented, and making a contribution of its own to the peace efforts (in particular concerning respect and promotion of human rights), the resolution renders support to the forces which oppose reconciliation and building of confidence in these territories, by its resorting to biased, partial and politically motivated conclusions and allegations, in contravention of the "spirit of Dayton".

The Government of the FRY considers it inadmissible that the appraisals made by Ms. Elisabeth Rehn in her Reports (A/50/727-S/1995/933 and E/CN.4/1996/63), and heard in the discussions held in the Commission on this issue virtually are not taken into account. We deem it necessary that the authors of the resolution give specific explanations, along with the reasoning behind such attitude. Since, indirectly, the above-mentioned approach calls into question the need for pursuing activities of special rapporteurs, missions etc., whose task is to provide the Commission with particular information.

The fact that the resolution practically ignores massive, the most severe human rights violations committed against the Serbs is an evidence of the extent to which the above approach is totally inappropriate.

The most severe violations of human rights against Serb civilians are being committed ever since Croatia's aggression on Western Slavonia and Krajina (in May and August 1995). This fact is not at all mentioned in the

draft, despite the United Nations official reports (Secretary-General, Security Council), as well as Special Rapporteur Ms. Elisabeth Rehn, the UNHCR, the ICRC and many other non-governmental organizations. This time again, Croatia is protected from the justified international public condemnation by shifting the public attention towards the allegedly "grave situation" of human rights in the Federal Republic of Yugoslavia.

Referring to alleged efforts aimed at favouring the rights of minorities, democratic freedoms etc. in the Federal Republic of Yugoslavia, while ignoring mass killings of Serb civilians, setting ablaze of Serb houses, expelling 400,000 Serbs from Croatia, evicting them from their dwellings throughout Croatia, and bestowing with decorations the Croats for the crimes committed on Serbs, etc., is sheer cynicism.

The resolution's double standards and partiality are also visible, on the one hand, by its reference to the unestablished evidence of mass graves in the places where, allegedly, Croats and Moslems have been buried (Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar), and by its deliberate overlooking the mass graves of Serb civilians, discovered in Mrkonjic Grad (Bosnia and Herzegovina), Krajina, Western Slavonia (Croatia) and elsewhere, on the other.

To single out the Federal Republic of Yugoslavia, particularly "Kosovo" in the resolution, implies inviting separatist forces in that Autonomous Province of the Federal Republic of Yugoslavia to forceful secession (the objective publicly proclaimed by separatist leaders). It is a fact that concern for the human rights situation in other parts of the former Yugoslavia is explicitly mentioned in the Reports of the Special Rapporteur. Hence, the resolution should either make reference to all these parts, or voice its concern for the territory of the former Yugoslavia on a broader scale. At present, violation of human rights, as well as conflicts between Moslems and Croats (e.g. Mostar), the extremely difficult plight of the remaining Serbs and the violation of their human rights are of special concern of the international community.

The Federal Republic of Yugoslavia is resolutely rejecting the charges on its alleged violation of the rights of minorities. In the Federal Republic of Yugoslavia, which is a state of all the citizens, as stipulated by its Constitution, there is every historical, legal and other precondition for coexistence of all its inhabitants, regardless of their national, ethnic or religious origin.

The status of all the minorities in the Federal Republic of Yugoslavia is determined under respective federal and republican constitutions, and relevant laws, in compliance with the United Nations', the Organization on Security and Cooperation in Europe or the Council of Europe documents in the minority rights field.

The allegation that the Federal Republic of Yugoslavia's "legislation is discriminatory towards minorities" is sheer falsehood, and the demand for its cancellation, contained in the resolution is nothing but the dangerous political game.

We recall that it is incumbent upon the authors of the draft resolution to give evidence for their allegations by explicitly indicating the titles of specific laws, thus making it possible for the government involved to take measures for their cancellation or improvement. However, since these allegations are pure falsehoods aimed at engineering proof for accusations against the Federal Republic of Yugoslavia, the Commission's regular practice and procedure are, once again, being violated.

As regards Kosovo and Metohija - which is the name of this region of the Republic of Serbia - and the objective problems persisting there, the Government of the Federal Republic of Yugoslavia, has so far submitted large volumes containing explanatory facts on the situation in that region to all relevant international governmental and non-governmental organizations. This time, again, we should like to emphasize the irrefutable fact that no violation of human rights of the Albanian minority has been practised by the authorities of the Federal Republic of Yugoslavia in Kosovo and Metohija; the bare truth is that the political leaders of this minority are trying to secede from the Federal Republic of Yugoslavia and to bring about annexation of a part of its territory to Albania, while ignoring the legitimately elected bodies of government and its institutions and refusing cooperation and dialogue.

If the aim is to reach practical results, there must be a moderation in language and description of facts, for example: why the Albanians do not participate in the political life, why the Albanian minority children do not go to school? - Because they do not recognize the state educational system, not even the State itself (Elisabeth Rehn, Report E/CN.4/1996/63).

The authorities of the Federal Republic of Yugoslavia are completely open and willing to have a dialogue, in contrast to the ethnic Albanian minority's representatives, who are openly advocating confrontation and secession.

The so-called "Sandzak" region does not exist under that name as an official geographical term; its actual name is Raska. The inhabitants of this part of Serbia, heterogeneous in terms of their ethnic composition and religious affiliations, used to live in peace and harmony for many years, and they would have continued to do so if there were not political interference from the outside. On various occasions, we have also submitted precise data testifying to the equality of and equal opportunities for all the citizens, regardless of their ethnic origins ("Comments of the Government of the Federal Republic of Yugoslavia on the report of Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia" (E/CN.4/1996/160)).

As for Vojvodina, all the national minorities living in this Province are fully cooperating with the Republican and Federal Authorities, viewing them as legitimate authorities of their own state, participating in their activities on a footing of equality. There are Hungarians first - the largest national minority in Vojvodina, and their comprehensive relations with their country of origin, the Republic of Hungary, are telling proof of the further promotion of their status in the FRY in all the relevant fields.

When the rights of the ethnic Bulgarian minority are concerned, no action has ever been taken that would imply threatening their minority rights inscribed in the constitutions of the Republic of Serbia and the Federal Republic of Yugoslavia.

The Government of the Federal Republic of Yugoslavia recalls that, under an OSCE decision, a suspension has been imposed on Yugoslavia's cooperation with it. Thus, against Yugoslavia's will! The Federal Republic of Yugoslavia is not in a position to deal with this organization as long as the OSCE does not change its decision.

The Federal Republic of Yugoslavia has its own state legislative and political system. Appealing to the whole international community to support the "efforts" and the "establishment" of democratic institutions in Yugoslavia is absolutely unacceptable. It is an example of overt and flagrant interference in internal affairs, whereby someone from the outside should act and judge what is and what is not "democratical" there.

The Government of the Federal Republic of Yugoslavia shares the view that the Commission will carry out a detailed study of the draft resolution on the "Situation of Human Rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia", and that it will persist in inserting the indispensable and crucial changes in it, thus reaffirming its genuine concern and rendering its contribution to the protection and development of human rights in these territories.

The Government of the Federal Republic of Yugoslavia reiterates again its openness and willingness to cooperate with the Commission on Human Rights, for the benefit of protecting and developing human rights.

Belgrade, 22 April 1996